

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RICARDO JEANTILUS,

Plaintiff,

- against -

CIVIL ACTION NO.:
22-CV-1478

NOTICE OF REMOVAL

J.B. HUNT TRANSPORT SERVICES, INC, C & S
WHOLESALE GROCERS INC. and JOHN DOE,
(fictitious name as true name is unknown to the plaintiff
at this time,

Defendants.
-----X

TO: SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

PLEASE TAKE NOTICE that Defendants J.B. HUNT TRANSPORT SERVICES, INC.
and C & S WHOLESALE GROCERS INC. hereby remove the civil action entitled *Ricardo
Jeantilus v. J.B. Hunt Transport Services, Inc., C & S Wholesale Grocers Inc. and John Doe,
(fictitious name as true name is unknown to the plaintiff at this time)*, Index Number 724911/2021,
from the Supreme Court of the State of New York, County of Queens, where it is now pending, to
the United States District Court of the Eastern District of New York pursuant to 28 U.S.C. §§ 1332
and 1441.

Dated: New York, New York
March 17, 2022

Yours, etc.,

GALLO VITUCCI KLAR LLP

By:


Heather C. Ragone, Esq.

Attorneys for Defendants

J.B. HUNT TRANSPORT SERVICES, INC.

and C & S WHOLESALE GROCERS INC.

90 Broad Street, Suite 1202

New York, New York 10004

(212) 683-7100

File No.: JBH.2022001

TO: OFSHTEIN LAW FIRM, P.C.

Attorney for Plaintiff

Ricardo Jeantilus

15 Bay 29th Street, 2nd Floor

Brooklyn, New York 11214

(718) 455-5252

File No.: 20MVX7089

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RICARDO JEANTILUS,

Plaintiff,

- against -

CIVIL ACTION NO.:
22-CV-1478

PETITION FOR REMOVAL

J.B. HUNT TRANSPORT SERVICES, INC, C & S
WHOLESALE GROCERS INC. and JOHN DOE,
(fictitious name as true name is unknown to the plaintiff
at this time,

Defendants.
-----X

TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

The Petition of Heather C. Ragone respectfully shows as follows:

1. That the undersigned are counsel for Defendants J.B. HUNT TRANSPORT SERVICES, INC. and C&S WHOLESALE GROCERS INC. and hereby remove the civil action entitled *Ricardo Jeantilus v. J.B. Hunt Transport Services, Inc., C & S Wholesale Grocers Inc. and John Doe, (fictitious name as true name is unknown to the plaintiff at this time)*, Index Number 724911/2021, which is currently pending in the Supreme Court of the State of New York, County of Queens to the United States District Court of the Eastern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

2. This action was commenced by the filing of a Summons and Complaint on or about November 8, 2021. Issue was joined by the service of an Answer by J.B. Hunt Transport Services, Inc on February 2, 2022 and by C & S Wholesale Grocers Inc. on February 4, 2022. Copies of the Summons and Complaint and Answers are collectively annexed hereto as Exhibit "A".

3. That the cause of action as set forth in the Complaint seeks money damages for

personal injuries. That on March 11, 2022, Plaintiffs verified – for the first time – that the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000) (Exhibit “C”).

4. In the Complaint, Plaintiff seek to recover damages resulting from an alleged accident that took place on November 21, 2020 on southbound Broadway, just south of 96th Street, in Manhattan, County of New York and State of New York (Exhibit “A”).

5. Plaintiff Ricardo Jeantilus is a natural person who is a resident and citizen of the County of Queens, State of New York.

6. Defendant J.B. Hunt Transport Services Inc. is an Arizona corporation with its principal place of business located in Lowell, Arizona.

7. Defendant C & S Wholesale Grocers Inc. have their headquarters and principal place of business located in Keene, New Hampshire

8. Plaintiffs Summons and Complaint did not contain a statement of damages, pursuant to N.Y. C.P.L.R. § 3017. Accordingly, the thirty day deadline did not begin upon the filing of the Complaint. See 28 U.S.C. §1446(b)(3).

9. On February 4, 2022, Defendants served Plaintiff with multiple discovery demands including a demand for Bill of Particulars, which demands among other things, Plaintiff’s past and future economic and non-economic damages, as well as a demand for a statement of damages pursuant to N.Y. C.P.L.R. § 3017 on February 2, 2022. See Exhibit “B”.

10. On March 11, 2022 Plaintiff served a response to Defendant’s Demand for Statement of Damages in which they claim damages in excess of \$75,000. See Plaintiff’s Response to Demand for Statement of Damages, annexed hereto as Exhibit “C”.

11. That this action may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(c) since Plaintiff’s action is a civil action where the amount in controversy exceeds the sum

of \$75,000 exclusive of interest and costs and is between citizens of different states.

12. As the residence amongst the Defendants and the Plaintiff establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, Defendants respectfully remove this action from the Supreme Court of the State of New York County of Kings to the United States District Court for the Eastern District of New York.

WHEREFORE, Defendants respectfully request that the action now pending against them in the Supreme Court of the State of New York, County of Queens be removed therefrom to this Court.

Dated: New York, New York
March 17, 2022

Yours, etc.,

GALLO VITUCCI KLAR LLP

By: 

Heather C. Ragone, Esq.

Attorneys for Defendants

J.B. HUNT TRANSPORT SERVICES, INC.

and C & S WHOLESALE GROCERS INC.

90 Broad Street, Suite 1202

New York, New York 10004

(212) 683-7100

File No.: JBH.2022001

TO: OFSHTEIN LAW FIRM, P.C.
Attorney for Plaintiff
Ricardo Jeantilus
15 Bay 29th Street, 2nd Floor
Brooklyn, New York 11214
(718) 455-5252
File No.: 20MVX7089

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
RICARDO JEANTILUS,

Plaintiff,

- against -

CIVIL ACTION NO.:
22-CV-1478


VERIFICATION

J.B. HUNT TRANSPORT SERVICES, INC, C & S
WHOLESALE GROCERS INC. and JOHN DOE,
(fictitious name as true name is unknown to the plaintiff
at this time,

Defendants.
-----X


Heather C. Ragone, being duly sworn according to law, deposes and says:

That I am counsel for Defendants, J.B. HUNT TRANSPORT SERVICES, INC, C & S
WHOLESALE GROCERS INC., the within named Defendants/Petitioners; that I have read the
foregoing Petition for Removal; and that the statements contained therein are true in substance and
to my knowledge.



HEATHER C. RAGONE (8757)

Sworn to before me this
17th day of March, 2022



Notary Public

<p>Mary Thompson Notary Public – State of New York No. 01TH6044466 Qualified in Richmond County Commission Expires on July 3, 2022</p>
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